

## Message Text

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TO SECSTATE WASHDC 5662  
AMEMBASSY BONN  
INFO AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
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C O N F I D E N T I A L SECTION 1 OF 3 USBERLIN 2885

E O 11652: GDS  
TAGS: PGOV WB UR  
SUBJ: NEW TIMES ARTICLE ON BERLIN AND THE QA

SUMMARY: IN AN ARTICLE ENTITLED "THERE IS NOTHING TO BE RECON-  
SIDERED HERE", FORMER SOVIET POLITICAL COUNSELOR AND PARTICIPANT  
IN THE QUADRIpartite AGREEMENT NEGOTIATIONS YULIY A. KVITSINSKIY  
PRESENTS A RELATIVELY DISPASSIONATE COMMENTARY ON THE IMPLE-  
MENTATION OF THE QUADRIpartite AGREEMENT, AS SEEN FROM THE  
SOVIET POINT OF VIEW, WITH SPECIAL REFERENCE TO EVENTS OF THE  
LAST SIX MONTHS. KVITSINSKIY PORTRAYS A DISINGENUOUS WESTERN  
POLICY ON BERLIN AND CHARGES THE FRG AND THREE WESTERN ALLIES  
WITH POTENTIALLY ENDANGERING THE SITUATION IN CENTRAL EUROPE  
BY THEIR UNWILLINGNESS TO LIVE WITH THE RESULTS OF THE QA.  
ALTHOUGH KVITSINSKIY RAISES HIS FINGER IN BOTH ACCUSATION AND  
WARNING, NOTHING IN HIS ARTICLE SUGGESTS THE SOVIETS MIGHT BE  
CONTEMPLATING A CHANGE IN THEIR BERLIN POLICIES IN THE NEAR FU-  
TURE. BUT HE DOES SAY THAT THE ELECTION OF BERLINERS TO THE EC  
PARLIAMENT CANNOT REMAIN "WITHOUT CONSEQUENCES". END SUMMARY.  
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1. WRITING UNDER THE BARELY VEILED PSEUDONYM, YULIY  
ALEKSANDROV, FORMER SOVIET POLITICAL COUNSELOR IN EAST  
BERLIN, JULIY ALEKSANDROVICH KVITSINSKIY HAS PRESENT-  
ED IN THE SOVIET FOREIGN POLICY WEEKLY MAGAZINE NOVOYE  
VREMYA (NEW TIMES) A COMMENTARY ON RECENT FRG ACTIVITIES  
INVOLVING WEST BERLIN. WE ARE REPORTING HIS ARTICLE AT

SOME LENGTH (WITH APOLOGIES TO EMBASSY MOSCOW) BECAUSE WE BELIEVE THAT A KVITSINSKIY STATEMENT IS AS IMPORTANT A SOVIET COMMENTARY ON BERLIN AS WE ARE LIKELY TO SEE.

2. KVITSINSKIY PORTRAYS AN FRG BERLIN POLICY WHICH FROM THE DAY THE QUADRIPARTITE AGREEMENT WAS SIGNED HAS SOUGHT TO FIND LOOPHOLES IN THE QA'S TEXT AND DEVELOP WAYS TO GET AROUND QA RESTRICTIONS ON FRG ACTIVITIES IN THE CITY. KVITSINSKIY SINGLES OUT NO PARTICULAR PARTY OR GROUP IN THE FEDERAL REPUBLIC AS BEING ANY MORE OR LESS GUILTY OF THESE TACTICS. HE COMBINES SARCASM WITH CRITICISM IN ATTACKING THE CDU, FDP AND GOVERNING SPD FOR THEIR FAILURE TO RESPECT THE PROVISIONS OF THE QA. THE CDU, HE CHARGES, HAS NEVER ABANDONED THE POLICIES OF THE ADENAUER ERA AND CONTINUES TO USE WEST BERLIN AS A PAWN IN ITS STRUGGLE TO REGAIN POWER IN BONN AND TO BUILD TENSIONS IN CENTRAL EUROPE. THE FDP, SARCASTICALLY DESCRIBED AS BEING "OPEN TO ALL SIDES", IS CRITICIZED FOR TRYING TO OUTDO EVEN THE CDU IN SHOWING ITS CONCERN FOR WEST BERLIN BY INVITING FDP CAUCUSES FROM EVERY ELECTORAL DISTRICT IN THE FRG TO HOLD MEETINGS IN WEST BERLIN. THE SPD COMES IN FOR SIMILAR CRITICISM.

4. KVITSINSKIY ASKS WHY EVERY KNOWN FRG POLITICIAN IS CONSTANTLY CALLING FOR SOLIDARITY WITH BERLIN AND SEEKING TO BRING WEST GERMAN ACTIVITIES TO BERLIN TO ENSURE ITS CONFIDENTIAL

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VITALITY. WHO, KVITSINSKIY ASKS, IS THREATENING THE CITY? CERTAINLY NOT THE USSR OR GDR, BOTH OF WHOM HAVE GONE OUT OF THEIR WAY TO CREATE A SITUATION IN WHICH WSEST BERLIN CAN LIVE NORMALLY. KVITSINSKIY CONCLUDES THAT CALLS FOR "SOLIDARITY" AND THE CONSTANT MEETINGS AND VISITS ARE ALL PART OF A WEST GERMAN POLICY DESIGNED TO CREATE AN ATMOSPHERE OF TENSIONS. HE CHARGES FRG PARTIES AND OFFICIALS WITH FURTHERING THEIR OWN INDIVIDUAL POLICIES AND FINDINGS GROUNDS TO VIOLATE OR BY-PASS THE QA. REPEATEDLY KVITSINSKIY ACCUSES THE ALLIES OF COMPLICITY IN THE WEST GERMAN ACTIONS, SINCE THEY TURN A BLIND EYE TO ILLEGAL ACTIVITIES IN BERLIN AND FAIL TO LIVE UP TO THEIR RESPONSIBILITIES IN MAINTAINING THE INTEGRITY OF THE STATUS OF THE WSB. TO PROVE HIS THESIS KVITSINSKIY CITES SEVERAL RECENT EVENTS INVOLVING FEDERAL PRESENCE IN WEST BERLIN.

5. COMMENTING ON THE MINISTER-PRESIDENTS CONFERENCE HELD IN BERLIN OCTOBER 26-28, KVITSINSKIY'S COMMENTARY CLOSELY PARALLELS THE LANGUAGE OF OFFICIAL SOVIET PROTESTS CHARGING THAT THE "ULTERIOR MOTIVE" BEHIND THE CONFERENCE WAS AN ATTEMPT TO DEMONSTRATE THAT WEST BERLIN IS A FED-

ERAL STATE LIKE ALL THE OTHER FEDERAL LAENDER.

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E.O.11652: GDS  
TAGS: PGOV, WB, UR  
SUBJECT: NEW TIMES ARTICLE ON BERLIN AND THE QA

6. KVITSINSKIY CITES THE EXAMPLE OF UNDER SECRETARY BAUM'S STATEMENT BEFORE THE BUNDESTAG THAT BERLIN IS A LAND OF THE FEDERAL REPUBLIC AS FURTHER EVIDENCE THAT THE SPD IS LIKE THE OTHER TWO MAJOR PARTIES IN THE FRG IN DIS- REGARDING THE "TRUE" LEGAL STATUS OF WEST BERLIN. KVITSINSKIY FURTHER COMPLAINS THAT THE SPD/FDP GOVERNMENT SPREADS THE THESIS THAT WEST BERLIN IS A FEDERAL LAND THROUGHOUT THE WORLD IN ITS PROPAGANDA LEAFLETS AND THAT NEITHER OFFICIAL FRG AGENCIES NOR THE THREE ALLIES MAKE ANY EFFORT TO CONTRADICT THESE "IRRESPONSIBLE STATE- MENTS".

7. KVITSINSKIY EXPRESSES INCREDULITY AT THE RECENT  
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FEDERAL SUPREME COURT (BUNDESGERICHTSHOF) DECISION THAT EXFILTRATION OF GDR CITIZENS BY COMMERCIAL GROUPS IN THE FRG IS NOT ILLEGAL. KVITSINSKIY NOTES THE COURT DECISION THAT THE PROVISIONS OF THE FRG-GDR TRANSIT AGREEMENT REGULATES ONLY THE RELATIONSHIP BETWEEN THE FRG AND THE GDR AND -DOES NOT AFFECT THE RIGHTS AND OBLIGATIONS OF PRIVATE CITIZENS AND WONDERS POINTEDLY WHAT THE REACTION OF THE FRG AND WEST BERLIN WOULD BE WERE THE GDR TO DRAW THE PRACTICAL CONSEQUENCES OF THE BUNDESGERICHTSHOF DECISION WHEN CONSIDERING WHETHER BORDER AND CUSTOMS FORMALITIES SHOULD BE SIMPLIFIED OR OTHERWISE IMPROVED. CONCLUDING, KVITSINSKIY ARGUES THAT UNDER INTERNATIONAL LAW THERE EXISTS AN ESTABLISHED PRACTICE: EITHER ONE ABIDES BY AN AGREEMENT ENTIRELY OR IT IS DEEMED VIOLATED (NULL AND VOID). THEREFORE, HE ARGUES EITHER THE FRG AND WEST BERLIN "MUST GUARANTEE IN THEIR INTERNAL POLICIES THAT THEY WILL OBSERVE THEIR OBLIGATIONS...OR THEY MUST ADMIT THAT THEY DO NOT WISH TO ABIDE BY THEM AND ARE WILLING TO ACCEPT ALL CONSEQUENCES. THEY CANNOT FINESSE THIS WITH LEGAL NICETIES".

8. USING THE ALLIED DECISIONS TO PERMIT FEDERAL ATTORNEYS TO PARTICIPATE IN THE PROSECUTION OF THE LORENZ KIDNAPPERS, KVITSINSKIY DEVELOPS A LINE OF ARGUMENTATION IN WHICH HE CHARGES THE FRG AND THE THREE WESTERN ALLIES WITH USING LEGAL SPOHISTRY AND CIRCULAR REASONING TO PERMIT ILLEGAL FRG ACTIVITIES IN THE WESTERN SECTORS OF BERLIN. KVITSINSKIY ASKS HOW ONE CAN INTERPRET THE PRESENCE OF A FEDERAL ATTORNEY PROSECUTING A CASE BEFORE A WEST BERLIN COURT AS BEING ANYTHING OTHER THAN AN EXAMPLE OF THE APPLICATION OF FEDERAL POWER IN THE CITY. KVITSINSKIY RIDICULES THE JUSTIFICATION PUT FORWARD BY THE ALLIES WHEN THEY ARGUE THAT FEDERAL PROSECUTORS APPEAR IN WEST

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BERLIN IN ACCORDANCE WITH FEDERAL LAW WHICH HAS BEEN TAKEN OVER IN THE CITY AS WEST BERLIN LAW. THIS EXPLANATION, KVITSINSKIY CHARGES, MAKES MATTERS EVEN WORSE BECAUSE IT "DEMONSTRATES" THAT THE THREE WESTERN POWERS HAVE ALLOWED A LAW TO BE PASSED IN WEST BERLIN WITHOUT ENSURING THAT NECESSARY LEGAL CHANGES WERE FIRST MADE (TO PRESERVE THE CITY'S STATUS). FOLLOWING THIS PRINCIPLE THE ALLIES PERMIT, QUITE INCORRECTLY IN KVITSINSKIY'S VIEW, THE WEST BERLIN HOUSE OF REPRESENTATIVES TO ADOPT ONE FEDERAL LAW AFTER ANOTHER WITHOUT CONSIDERING WHETHER THE CONTENT OF THESE LAWS IS IN ACCORDANCE WITH THE STATUS OF WEST BERLIN. AS AN EXAMPLE OF THE CIRCULAR REASONING WHICH HE SEES DEVELOPING, KVITSINSKIY NOTES

THAT THE FEDERAL MINISTER OF JUSTICE STATES THAT HIS PUBLIC PROSECUTORS "ARE SUBJECT TO THE SUPREME AUTHORITY OF THE THREE POWERS" WHILE THE THREE POWERS STATE THAT THEY "ARRIVED AT THEIR DECISION TO PERMIT THE FEDERAL PROSECUTOR TO ACT IN WEST BERLIN IN ACCORDANCE WITH FEDERAL LAWS."

9. 9. FINALLY, KVITSINSKIY DISCUSSES AND CHALLENGES THE POSTION OF THE ALLIES WITH RESPECT TO PERMITTING THE PARTICIPATION OF WEST BERLIN IN THE ELECTIONS TO THE EUROPEAN PARLIAMENT IN 1978. KVITSINSKIY NOTES THAT DESPITE THE PROTESTS OF THE SOVIET UNION, THE WESTERN POWERS PERMITTED THE (CONTINUED) INCLUSION OF WEST BERLIN IN THE EC AND THE INCLUSION OF WEST BERLIN AND THE INCLUSION OF WEST BERLIN DEPUTIES IN THE NEW EC PARLIAMENT. HERE AGAIN FROM THE SOVIET POINT OF VIEW, THE ALLIED APPROVAL IS IMPROPER. THE BONN GOVERNMENT REFERS TO THE SUPREME AUTHORITY OF THE WESTERN ALLIES WHICH PERMITTED THE FRG TO MAKE A STATEMENT UPON TIS ENTERING THE EUROPEAN COMMUNITY THAT THE TREATY OF ROME WOULD BE EXTENDED TO WEST BERLIN; IN HIS VIEW, THE PROVISIONS OF THE QUADRIPARTIE AGREEMENT AND THE INCLUSION OF WEST BERLIN IN THE EUROPEAN COMMUNITIES ARE INCOMAPTIBLE ONE WITH THE OTHER. KVIT-  
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SINSKIY SUGGESTS THE WEST WILL HAVE TO BEAR THE CONSEQUENCES IF THE SITUATION IS NOT CORRECTED.

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10. KVITSINSKIY'S CONCLUDING PARAGRAPHS ARE FIRM AND TO THE POINT: "THE REPEATED REFERENCE TO THE SUPREME AUTHORITY OF THE THREE WESTERN POWERS DOES NOT COVER OR JUSTIFY VIOLATIONS OF THE QA. IT HAS BEEN BROUGHT TO MIND THAT THIS AUTHORITY IS IN NO UNLIMITED, NOR INCONTESTABLE. IT DERIVES FROM WAR-TIME AND POST-WAR AGREEMENTS. THE VIOLATIONS AND BY-PASSING OF THE QA DO NOT ONLY DEMONSTRATE THAT CERTAIN CIRCLES OF THE FRG WISH TO UNDERMINE IT. THEY ALSO INDICATE THAT THE THREE WESTERN POWERS INSUFFICIENTLY FULFILL THEIR OBLIGATIONS TO WHICH THEY ARE BOUND BY THE QA, NAMELY, TO ENSURE THAT THE TIES BETWEEN WEST BERLIN AND THE FRG ARE TO BE MAINTAINED AND DEVELOPED BY TAKING INTO ACCOUNT THAT THIS CITY IS NOT PART OF THE FRG AND WILL NOT BE GOVERNED BY IT IN THE FUTURE. MAINTAINING A STABLE SITUATION AS FAR AS WEST BERLIN IS CONCERNED IS DIRECTLY RELATED TO ENSURING NORMAL COOPERATION IN CENTRAL EUROPE. THIS APPLIES EQUALLY TO ALL CONCERNED NATIONS. IT WOULD BE FALSE TO THINK THAT SOME WOULD BE MORE CONCERNED THAN OTHERS."

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"IT IS THE PURPOSE OF THE QA TO AVOID TENSIONS AT THE PRESENT AND IN THE FUTURE. THE AGREEMENT HAS CREATED THE NECESSARY CONDITIONS. ALL SIDES, HOWEVER, MUST ABIDE BY IT COMPLETELY AND STRICTLY."

COMMENT: KVITSINSKIY WAS SOVIET POLITICAL COUNSELOR IN EAST BERLIN DURING THE QA NEGOTIATIONS AND PLAYED AN IMPORTANT ROLE IN THE DRAFTING OF THAT DOCUMENT. HE IS PRESENTLY ASSIGNED TO THE MFA'S THIRD DIVISION WHERE HE WORKS ON GERMAN AFFAIRS, PRIMARILY GDR MATTERS, BUT HE ALSO KEEPS CURRENT ON BERLIN AFFAIRS AS WELL. KVITSINSKIY'S ARTICLE IS REMARKABLE ON SEVERAL POINTS. HE CANNOT ENTIRELY KEEP FROM DRIFTING INTO OCCASIONAL (ALMOST OBLIGATORY) PROPAGANDA ATTACKS ON THE CDU. NONETHELESS, HE BASICALLY KEEPS TO THE POINT, AND PROVIDES INTERESTING INSIGHTS INTO SOVIET DIPLOMATIC VIEWS ON BERLIN. IT IS CLEAR FROM THE ARTICLE THAT KVITSINSKIY CANNOT OR WILL NOT DISTINGUISH BETWEEN OFFICIAL FRG STATE ORGANS AND UNOFFICIAL BODIES SUCH AS THE LAENDER MINISTERS PRESIDENT CONFERENCE. SIMILARLY HE LUMPS TOGETHER THE EXECUTIVE BRANCH OF THE FRG, THE GOVERNING POLITICAL PARTIES AND THE FRG COURT SYSTEM, FAILING TO SEE, OR CHOOSING TO FAIL

TO SEE, THAT THEY ARE LARGELY INDEPENDENT FROM ONE ANOTHER.  
FROM THIS BASE, HOWEVER, IT IS EASY TO SEE WHY OTHER  
SOVIETS OR THIRD COUNTRY REPRESENTATIVES WITH RELATIVELY  
LITTLE EXPERIENCE IN THE WEST (NOT KVITSINSKIY) COULD  
BE LED TO BELIEVE THAT THE FRG AND WESTERN ALLIES CONSCIOUS-  
LY VIOLATE THE LETTER AND SPIRIT OF THE QA.

KVITSINSKIY COMMUNICATES THE FRUSTRATION OF THE GDR  
OVER ACTIONS OF THE FRG, INCLUDING THE FRG COURTS ON THE  
QUESTION OF THE MISUSE OF THE BERLIN TRANSIT ROUTES, AND  
EXPLAINS WHY FROM THE EAST'S POINT OF VIEW THE WEST GER-  
MANS SEEM DISINGENUOUS ABOUT MEETING THEIR COMMITMENTS  
WITH THE GDR WITH RESPECT TO IMPLEMENTING THE CRUCIAL  
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TRANSIT ASPECTS OF THE QA. (WE MUST ADMIT IN THIS CASE  
THAT WE, LIKE KVITSINSKIY, ARE SURPRISED BY THE BUNNDES-  
GERICHTSHOF DECISIONS ON THE MISUSE OF THE TRANSIT WAYS,  
AND WOULD APPRECIATE ANY EXPLANATORY COMMENTS EMBASSY  
BONN MIGHT HAVE TO OFFER.)

KVITSINSKIY ALSO DEMONSTRATES SOVIET FRUSTRATION  
WITH THE PRACTICAL CONSEQUENCES OF THE WELL-ESTABLISHED  
AND QUADRIPARTITELY ACCEPTED MANTELGESETZ TAKE OVER PRO-  
CEDURE WHICH PERMITS THE WSB TO MAINTAIN AND DEVELOP ITS  
LEGAL TIES WITH THE FRG. WHAT PARTICULARLY TROUBLES  
KVITSINSKIY IN THIS REGARD IS THAT THE FRG IS ABLE TO  
WORK ITS WILL IN THE WSB, ALBEIT INDIRECTLY THROUGH THE  
AUTHORITY OF THE ALLIES, EVEN IN MATTERS AFFECTING STATUS  
AND SECURITY. MUCH OF WHAT KVITSINSKIY WRITES REFLECTS,  
OF COURSE, THE STANDARD SOVIET POSITION THAT NO FRG LAW  
AFFECTING STATUS AND SECURITY SHOULD BE PERMITTED TO  
HAVE EFFECT IN WEST BERLIN.

IN SUM, KVITSINSKIY'S ARGUMENTATION AMOUNTS TO AN  
UNUSALLY SOPHISTICATED EFFORT TO BYPASS THE TEXT OF  
THE QA ITSELF TO PRETEND THAT THE QA TURNED WEST  
BERLIN INTO A SEPARATE POLITICAL ENTITY. THE SOVIET  
NEGOTIATORS SOUGHT THIS GOAL DURING THE TALKS, BUT FAILED  
TO ACHIEVE IT. SO TODAY, THE SOVIETS SEEK THROUGH A DIS-  
TORTED INTERPRETATION OF THE QA TO ACHIEVE WHAT THEY  
WERE UNABLE TO GET THE WEST TO AGREE TO SIX YEARS AGO.  
IN SEPTEL, WE ARE REPORTING QA CHIEF NEGOTIA-  
TOR ABRASIMOV'S NOVEMBER 6 ARTICLE IN TAGESSPIEGEL AND  
ITS REBUTTAL BY GOVERNING MAYOR STOBBE AMONG OTHERS.  
IT CAME AS NO SURPRISE THAT ABRASIMOV AGAIN CRITICIZED  
FRG/BERLIN TIES DESPITE THEIR BEING PERMITTED IN THE QA TEXT. GEORGE

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